

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:19-00209

BRANDI MARTIN

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion to continue her sentencing hearing, scheduled for August 24, 2020, due to the COVID-19 pandemic. (ECF No. 45). Sentencing was originally set for June 15, 2020, and, on defendant's motion, has already been continued twice. According to her motion, defendant "has concerns that holding the sentencing hearing at this time creates unnecessary risk for all parties involved." Id. Defendant states that she plans to have family members and loved ones present at sentencing and that some of her family will be traveling from Georgia. See id. The government opposes defendant's request for a continuance.

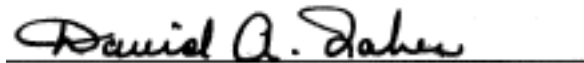
The court agrees that COVID-19 created certain obstacles for conducting in-person court proceedings in the past. However, at this juncture, the courthouses in the Southern District of West Virginia are open for in-person proceedings. Furthermore, following the guidance of the medical experts, the court has imposed certain restrictions to entry including requirements for face masks and social distancing. In other words, the court is

doing everything it can to ensure the safety of those who enter its doors. Furthermore, the presence of defendant's family and friends is not required to go forward with her sentencing hearing. If such persons wish to address the court, they are always free to do so in writing. Finally, there is no way to know when the current public health crisis will end and multiple experts have warned that the fall season could be even more problematic because of the intersection of the ongoing COVID-19 pandemic with the advent of flu season. Adhering to the current sentencing date is the best way to ensure that this case does not drag on indefinitely. Therefore, good cause does not exist to continue defendant's sentencing hearing and her motion is **DENIED**.

The Clerk is directed to forward a copy of this Order to counsel of record, the United States Marshal for the Southern District of West Virginia, and the Probation Department of this court.

IT IS SO ORDERED this 19th day of August, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge